

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Intermodal Facilities Development Act.

6 Section 5. Purpose. The purpose of this Act is to protect,
7 promote and improve freight rail systems and their intermodal
8 connections in Illinois and to encourage the efficient
9 development of such facilities and the redevelopment of
10 abandoned or underutilized rail facilities by providing
11 economic incentives designed to:

12 (a) ensure that Illinois retains both its predominant
13 position and the considerable economic and employment
14 benefits associated with rail freight traffic by
15 encouraging the location and relocation of rail facilities
16 within the State;

17 (b) expand rail freight service capacity and the number
18 and size of intermodal facilities within the State;

19 (c) stimulate redevelopment of those facilities no
20 longer capable of efficient use to meet the commercial,
21 industrial and transportation needs throughout the State;

22 (d) stimulate redevelopment in those areas where
23 obsolete railroad facilities contribute to the growth of
24 blight in adjacent and surrounding areas; prevent the
25 restoration and proper development of such areas necessary
26 to promote the safety, health, welfare, comfort and
27 convenience of its inhabitants; depress land values in
28 adjacent and surrounding areas; unnecessarily isolate
29 areas of unused land making it unavailable for any other
30 use; obstruct the continuity of public roads and streets;
31 create traffic congestion upon public roads and streets;
32 cause undue delay and expense in the transportation of

1 persons and property; and retard the proper economic and
2 civic growth and development; and

3 (e) foster public-private partnerships to achieve
4 these goals.

5 Section 10. Definitions. In the Act, words and phrases have
6 the meanings set forth in the following Sections.

7 (a) Authority. "Authority" means any entity created
8 under the terms of this Act for the purposes of developing
9 a new or existing rail or intermodal facility or
10 redeveloping an underutilized or obsolete existing rail
11 facility.

12 (b) Board. "Board" means the Board of Directors of any
13 such Authority created under the terms of this Act.

14 (c) Commercial project. "Commercial project" means any
15 project, including but not limited to one or more buildings
16 and other structures, improvements, machinery, and
17 equipment, whether or not on the same site, suitable for
18 use by any retail or wholesale concern, distributorship, or
19 agency, any cultural facilities of a for-profit or
20 not-for-profit type including but not limited to
21 educational, theatrical, recreational, and entertainment
22 facilities, sports facilities, racetracks, stadiums,
23 convention centers, exhibition halls, arenas, opera
24 houses, theaters, swimming pools, restaurants, velodromes,
25 coliseums, sports training facilities, parking facilities,
26 terminals, hotels and motels, gymnasiums, and medical
27 facilities.

28 (d) Costs incurred in connection with the development,
29 construction, acquisition, or improvement of a project.
30 "Costs incurred in connection with the development,
31 construction, acquisition, or improvement of a project"
32 means the following: the cost of purchase and construction
33 of all lands and related improvements, together with the
34 equipment and other property, rights, easements, and
35 franchises acquired that are deemed necessary for the

1 construction, including costs of environmental
2 remediation; financing charges; interest costs with
3 respect to revenue bonds, notes, and other evidences of
4 indebtedness of the issuing Authority prior to and during
5 construction and for a period of 36 months thereafter;
6 engineering and legal expenses; the costs of plans,
7 specifications, surveys, and estimates of costs and other
8 expenses necessary or incident to determining the
9 feasibility or practicability of any project, together
10 with such other expenses as may be necessary or incident to
11 the financing, insuring, acquisition, and construction of
12 a specific project and the placing of the project in
13 operation.

14 (e) Financial Aid. "Financial aid" means the
15 expenditure of Authority funds or funds provided by the
16 Authority through the issuance of its bonds, notes, or
17 other evidences of indebtedness for the development,
18 construction, acquisition, or improvement of a project.

19 (f) Governmental agency. "Governmental agency" means
20 any federal, State, or local governmental body, and any
21 agency or instrumentality thereof, corporate or otherwise.

22 (g) Industrial project. "Industrial project" means (1)
23 a capital project, including one or more buildings and
24 other structures, improvements, machinery, and equipment,
25 whether or not on the same site, suitable for use by any
26 manufacturing, industrial, research, transportation, or
27 commercial enterprise including but not limited to use as a
28 factory, mill, processing plant, assembly plant, packaging
29 plant, fabricating plant, office building, distribution
30 center, warehouse, repair, overhaul, or service facility,
31 freight terminal, research facility, test facility,
32 railroad facility, solid waste and wastewater treatment
33 and disposal sites and other pollution control facilities,
34 resource or waste reduction, recovery, treatment, and
35 disposal facilities, including the sites and other rights
36 in land therefore, site preparation and landscaping and all

1 appurtenances and facilities incidental thereto such as
2 utilities, access roads, railroad sidings, truck docking,
3 and similar facilities, parking facilities, railroad
4 roadbed, track, trestle, depot, terminal, switching and
5 signaling equipment, or related equipment and other
6 improvements necessary or convenient thereto; or (2) any
7 land, buildings, machinery, or equipment comprising an
8 addition to or renovation, rehabilitation, or improvement
9 of any existing capital project.

10 (h) Intermodal Facilities Development Zone.
11 "Intermodal Facilities Development Zone" means an area
12 designated as an Intermodal Facilities Development Zone
13 pursuant to this Act.

14 (i) Lease agreement. "Lease agreement" means an
15 agreement under which a project acquired by any Authority
16 under this Act, by purchase, gift, or lease is leased to
17 any person or governmental agency that will use or cause
18 the project to be used as a project upon terms providing
19 for lease rental payments at least sufficient to pay when
20 due the lessee's pro rata share of all principal of and
21 interest and premium, if any, on any revenue bonds, notes,
22 or other evidences of indebtedness of the Authority issued
23 with respect to the project, providing for the maintenance,
24 insurance, and operation of the project on terms
25 satisfactory to the Authority, and providing for
26 disposition of the project upon termination of the lease
27 term, including purchase options or abandonment of the
28 premises, with such other terms as may be deemed desirable
29 by the Authority.

30 (j) Loan agreement. "Loan agreement" means any
31 agreement by which the Authority agrees to loan the
32 proceeds of its revenue bonds, notes, or other evidences of
33 indebtedness issued with respect to a project to any person
34 or governmental agency that will use or cause the project
35 to be used as a project upon terms providing for loan
36 repayment installments at least sufficient to pay when due

1 the borrower's pro rata share of all principal of and
2 interest and premium, if any, on any revenue bonds, notes,
3 or other evidences of indebtedness of the Authority issued
4 with respect to the project, providing for maintenance,
5 insurance, and operation of the project on terms
6 satisfactory to the Authority, and providing for other
7 matters as may be deemed advisable by the Authority.

8 (k) Person. "Person" includes without limitation an
9 individual, corporation, partnership, unincorporated
10 association, and any other legal entity, including a
11 trustee, receiver, assignee, or personal representative of
12 the entity.

13 (l) Project. "Project" means an industrial or
14 commercial project or any combination thereof provided
15 that all uses shall fall within one of those categories.
16 Any project shall automatically include all site
17 improvements and new construction involving sidewalks,
18 sewers, solid waste and wastewater treatment and disposal
19 sites and other pollution control facilities, resource or
20 waste reduction, recovery, treatment, and disposal
21 facilities, parks, open spaces, wildlife sanctuaries,
22 streets, highways, and runways.

23 (m) Revenue bond. "Revenue bond" or "bond" means any
24 bond issued by the Authority, the principal and interest of
25 which are payable solely from revenues or income derived
26 from any project or activity of the Authority.

27 (n) Terminal. "Terminal" means a public place,
28 station, or depot for receiving and delivering passengers,
29 baggage, mail, freight, or express matter and any
30 combination thereof in connection with the transportation
31 of persons and property on land.

32 (o) Terminal facilities. "Terminal facilities" means
33 all land, rail trackage, rail switching and servicing
34 facilities, intermodal transfer facilities, buildings,
35 structures, improvements, equipment, and appliances useful
36 in the operation of public warehouse, storage, and

1 transportation facilities and industrial, manufacturing,
2 or commercial activities for the accommodation of or in
3 connection with commerce by land, including commercial
4 projects and industrial projects.

5 Section 20. Creation of an Intermodal Facilities
6 Development Authority.

7 (a) A county or municipality may, by resolution adopted by
8 a majority of its members, determine that there is a need and
9 that it is in the best interest of the public that an
10 Intermodal Facilities Development Authority be organized in
11 that city or county to exercise the powers and authority
12 prescribed by this Act and it shall therein set forth the name
13 of the Intermodal Facilities Development Authority to be
14 created hereunder, provided, however, that the words
15 "Intermodal Facilities Development Authority" shall form part
16 of its name. Prior to the passage of the resolution, the
17 jurisdiction shall have conducted at least one public hearing
18 on the question of whether to create the Authority; public
19 notice of such hearing shall be published in at least one
20 newspaper of general circulation not more than 20 days nor less
21 than 5 days before the hearing.

22 (b) Within 30 days after the adoption of the resolution, it
23 shall be the duty of the chief officer of the jurisdiction
24 adopting the resolution to file in the office of the recorder
25 in the county in which the jurisdiction adopting the resolution
26 is located a certified copy of such resolution.

27 (c) Upon such filing in the office of the Recorder of Deeds
28 the Intermodal Facilities Development Authority shall be
29 deemed to be organized as a municipal corporation and body
30 politic.

31 (d) Upon the execution of an Intergovernmental Agreement
32 and the approval of the appropriate governing bodies, a
33 municipality may create an Intermodal Facilities Development
34 Authority in conjunction with one other municipality or with
35 the county within which the municipality lies. In such cases

1 the duties described herein lie with each jurisdiction creating
2 the authority, which shall not be recognized until all required
3 acts have been completed by each jurisdiction.

4 Section 25. Board members; officers; administration.

5 (a) The governing and administrative powers of the
6 Authority shall be vested in its Board of Directors. Where only
7 one county or municipal authority has created an Authority, the
8 Board shall consist of 5 members. Where more than one county or
9 municipal authority has created the Authority, the Board shall
10 consist of 7 members, with three selected from each of the
11 corporate authorities. The 2 authorities shall mutually select
12 the seventh member, who shall also serve as Chairperson. All
13 persons appointed as members of the Board shall have recognized
14 ability and experience in one or more of the following areas:
15 economic development, finance, banking, industrial
16 development, small business management, real estate
17 development, community development, venture finance, organized
18 labor, or civic, community, or neighborhood organization.

19 (b) The terms of the initial appointees to each Authority
20 shall commence 30 days after its creation. Each Board Member
21 shall hold office for a term of 4 years. All successors shall
22 be appointed by the original appointing authority and hold
23 office for a term of 4 years commencing on the anniversary of
24 the initial appointments, except in case of an appointment to
25 fill a vacancy. Vacancies shall be filled for the remainder of
26 the term. Each member appointed to the Board shall serve until
27 his or her successor is appointed and qualified.

28 (c) Except as provided in subsection (a), the Chairperson
29 of the Board shall be elected by the Board annually from among
30 the members.

31 (d) The Governor may remove any member of any Board in case
32 of incompetence, neglect of duty, or malfeasance in office.

33 (e) Members of the Board shall serve without compensation
34 for their services as members but may be reimbursed for all
35 necessary expenses incurred in connection with the performance

1 of their duties as members.

2 (f) The Board may appoint an Executive Director who shall
3 have a background in finance, including familiarity with the
4 legal and procedural requirements of issuing bonds, real estate
5 or economic development, and administration. The Executive
6 Director shall hold office at the discretion of the Board. The
7 Executive Director shall be the chief administrative and
8 operational officer of the Authority, shall direct and
9 supervise its administrative affairs and general management,
10 shall perform such other duties as may be prescribed from time
11 to time by the Board, and shall receive compensation fixed by
12 the Board. The Executive Director shall attend all meetings of
13 the Board; however, no action of the Board or the Authority
14 shall be invalid on account of the absence of the Executive
15 Director from a meeting. The Board may engage the services of
16 such other agents and employees, including attorneys,
17 appraisers, engineers, accountants, credit analysts and other
18 consultants, and may prescribe their duties and fix their
19 compensation.

20 (g) The Board shall meet on the call of its Chairperson or
21 upon written notice of 3 members of that Board.

22 (h) Except as provided in subsection (i), the government,
23 control and management of the affairs of the Authority shall be
24 vested in the Board of Directors and such Board shall possess
25 and exercise all of the powers granted under this Act and such
26 other powers not inconsistent with this Act, as may be
27 necessary to effectuate the purposes of this Act.

28 (i) Where a single municipal authority operating under the
29 "Home Rule" authority of applicable state statutes creates an
30 Intermodal Facilities Development Authority as set forth
31 above, and the authority in its ordinance creating that
32 Authority so states, the powers, duties and obligations of the
33 Intermodal Facilities Development Authority shall remain
34 vested in the municipal authority.

35 Section 26. Actions of an Intermodal Facilities

1 Development Authority. All official acts of an Authority shall
2 require the affirmative vote of at least a majority of the
3 members of the Board at a meeting of the Board at which the
4 members casting those affirmative votes are present. It is the
5 duty of the Authority to promote the purposes of this Act. The
6 Authority shall use the powers conferred on it by this Act to
7 first create a new terminal and terminal facilities, or, in
8 cases involving underutilized and obsolete terminals and
9 terminal facilities, to first remove or relocate existing
10 terminals and terminal facilities, and thereafter to assist in
11 the development, construction, and acquisition of industrial
12 or commercial projects within its territorial jurisdiction.

13 Section 30. Powers. An Authority possesses all powers of a
14 body corporate necessary and convenient to accomplish the
15 purposes of this Act. An Authority's territorial limits shall
16 include all areas designated as an Intermodal Facilities
17 Development Zone as set forth below. An Authority shall also
18 constitute and receive the designation of a Port District,
19 granting it any and all powers allowable to any Port District
20 under State or federal law. Such powers shall include without
21 limitation the following:

22 (1) to enter into loans, contracts, agreements, leases
23 and mortgages in any matter connected with any of its
24 corporate purposes and to invest its funds;

25 (2) to sue and be sued;

26 (3) to employ agents and employees necessary to carry
27 out its purposes;

28 (4) to have, use, and alter a common seal;

29 (5) to adopt all needful ordinances, resolutions,
30 bylaws, rules, and regulations for the conduct of its
31 business and affairs and for the management and use of the
32 projects developed, constructed, acquired, and improved in
33 furtherance of its purposes;

34 (6) to designate the fiscal year for the Authority;

35 (7) to accept and expend appropriations;

1 (8) to have and exercise all powers and be subject to
2 all duties usually incident to boards of directors of
3 corporations;

4 (9) to acquire, own, lease, sell, or otherwise dispose
5 of any interests in and to real property and improvements
6 situated within its territorial limits and in personal
7 property necessary to fulfill the purposes of the
8 Authority;

9 (10) to engage in any activity or operation that is
10 incidental to and in furtherance of efficient operation to
11 accomplish the Authority's primary purpose, including the
12 power to clear, demolish or remove existing structures and
13 to install, repair, construct or reconstruct streets,
14 utilities and site improvements essential to the
15 preparation of an Intermodal Facilities Development Zone
16 for redevelopment;

17 (11) to acquire, own, construct, lease, operate, and
18 maintain within its territorial limits terminals and
19 terminal facilities and to fix and collect just,
20 reasonable, and nondiscriminatory charges for the use of
21 those facilities;

22 (12) to collect fees and charges in connection with its
23 loans, commitments, and services;

24 (13) to use the charges and fees collected as
25 authorized under paragraphs (11) and (12) of this Section
26 to defray the reasonable expenses of the Authority and to
27 pay the principal and interest of any bonds issued by the
28 Authority;

29 (14) to share employees with other units of government,
30 including agencies of the United States, agencies of the
31 State of Illinois, and agencies or personnel of any unit of
32 local government;

33 (15) whenever (1) three-fourths of the railroad
34 companies owning, and (2) three-fourths of the railroad
35 companies operating or using terminals within any
36 Intermodal Facilities Development Zone as established by

1 this Act have agreed with the Authority to occupy and use
2 the new railroad terminal, the Authority shall have power
3 to require if deemed necessary or desirable to promote the
4 public safety and welfare, any other railroad company or
5 railroad companies entering or hereafter entering an
6 Intermodal Facilities Development Zone under which the
7 Authority is organized to use such new terminal, terminal
8 facilities and approaches thereto, owned and operated by
9 the Authority, on such terms and conditions as may be
10 prescribed by the Authority which shall be fair and
11 reasonable, and in this connection, to require any such
12 railroad company or railroad companies to relocate and
13 rearrange its or their tracks to the extent deemed
14 necessary. The power of the Authority to require such
15 railroad company or railroad companies to so remove or
16 relocate its or their tracks shall be exercised only upon
17 such terms and conditions as the Authority and such
18 railroad company or railroad companies may agree upon, or
19 in default of such an agreement, upon such terms and
20 conditions as the Authority may prescribe which shall be
21 fair and reasonable;

22 (16) to operate or enter into contracts and leases for
23 the operation of any restaurant, store or other enterprise
24 of any sort associated with a terminal;

25 (17) to make provisions for off-street parking
26 facilities;

27 (18) to rent such space as from time to time may not be
28 needed for railroad purposes for such other purposes as the
29 Board of Directors may determine and to execute leases
30 evidencing such rental agreements;

31 (19) to convey real property acquired pursuant to this
32 Act and not required in the operation and maintenance of
33 the terminal, terminal facilities and approaches thereto,
34 for use in accordance with a redevelopment plan;

35 (20) to seek and accept donations, contributions,
36 capital grants or gifts from any individuals,

1 associations, municipal and private corporations, the
2 State of Illinois or any agency thereof, and the United
3 States of America, or any agency or instrumentality
4 thereof, for or in aid of any of the purposes of this Act
5 and to enter into agreements in connection therewith;

6 (21) subject to Section 35 of this Act, the Authority
7 shall have the power to issue revenue bonds as if it were a
8 municipality so authorized in Divisions 12.1, 74, 74.1,
9 74.3, and 74.5 of Article 11 of the Illinois Municipal Code
10 in such amount or amounts as the Board of Directors may
11 determine, to provide funds for the acquisition of areas
12 within an Intermodal Facilities Development Zone, the
13 demolition and removal of buildings and other structures
14 thereon, and for constructing, reconstructing, improving,
15 operating and maintaining terminals, terminal facilities,
16 and approaches thereto, and to pay all costs incurred in
17 connection with the development;

18 (22) to anticipate the sale of revenue bonds to borrow
19 money to be repaid from the proceeds of revenue bonds when
20 sold;

21 (23) to enter into intergovernmental agreements with
22 the State of Illinois, the Illinois Finance Authority, the
23 Metropolitan Pier and Exposition Authority, the United
24 States government, and agency or instrumentality of the
25 United States, any county or unit of local government
26 located within the territory of the Authority, or any other
27 unit of government to the extent allowed by Article VII,
28 Section 10 of the Illinois Constitution and the
29 Intergovernmental Cooperation Act; and

30 (24) to contract for, accept, or otherwise acquire and
31 maintain railroad property and rights-of-way. The
32 Authority may accept and expend funding from any source,
33 including specifically federal funds designated for
34 railroad right-of-way or terminal facilities improvements,
35 and may issue bonds, for the construction, operation, and
36 maintenance of the property and rights-of-way and the lease

1 or purchase of all necessary equipment and appurtenances to
2 successfully operate a railroad over the rights-of-way.

3 Section 31. Qualifications of an Intermodal Facilities
4 Development Zone. An area is qualified to become an Intermodal
5 Facilities Development Zone which either:

6 (a) is a contiguous area, provided that a zone area may
7 exclude wholly surrounded territory within its boundaries;
8 and

9 (i) comprises a minimum of 150 acres and not more
10 than 2 square miles, in total area, exclusive of lakes
11 and waterways;

12 (ii) has at least one Class 1 railroad right-of-way
13 located within it or within one quarter mile from the
14 nearest border of the proposed zone and has no boundary
15 limit further than 3 miles from such right-of-way; and

16 (iii) is entirely within the jurisdiction of the
17 corporate bodies establishing the Authority; or

18 (b) is a contiguous area, provided that a zone area may
19 exclude wholly surrounded territory within its boundaries;

20 (i) comprises a minimum of 10 acres and not more
21 than 640 acres;

22 (ii) has at least one Class 1 railroad right-of-way
23 located within it and has no boundary limit further
24 than 8000 feet from such right-of-way;

25 (iii) has at least one terminal or terminal
26 facility located within it that is declared by the
27 Board of Directors of an Authority to be underutilized
28 or obsolete; and

29 (iv) is entirely within the jurisdiction of the
30 corporate bodies establishing the Authority.

31 Section 32. Approval of an Intermodal Facilities
32 Development Zone. Whenever the Board of Directors determines
33 that a particular area qualifies as a Intermodal Facilities
34 Development Zone, as herein defined, and should be acquired

1 pursuant to the provisions of this Act, such determination
2 together with an accurate description of the area included in
3 such determination and the date on which the determination was
4 made shall be set forth in the records of the Authority. Any
5 such determination may include additional property situated
6 outside the Intermodal Facilities Development Zone which the
7 Board of Directors determines is necessary to be acquired in
8 connection with the construction of a railroad terminal,
9 terminal facilities and other projects appurtenant thereto.
10 The area may be enlarged, from time to time, as the Board of
11 Directors may determine. Each such determination shall be
12 evidenced by a resolution adopted by at least a majority of the
13 total members of the Board of Directors and a certified copy of
14 such resolution shall be delivered to the governing body of the
15 jurisdiction under which the Authority is organized. No such
16 determination shall be of any force or effect until such time
17 as it has been approved by that jurisdiction, and after such
18 approval a certified copy of such approval and resolution of
19 the Authority shall be filed in the office of the Recorder in
20 the county where the Authority is located. Where an authority
21 has been created by two jurisdictions, the resolution shall be
22 delivered to the governing bodies of each and no such
23 determination shall be of force and effect until such time as
24 it has been approved by both governing bodies.

25 Section 33. Comprehensive Plan.

26 (a) In addition to the powers set forth in Section 30 of
27 this Act, an Authority shall also have the power to develop a
28 comprehensive plan for the development within an Intermodal
29 Facilities Development Zone.

30 (b) Where the Authority has developed a comprehensive plan
31 under (a), it shall have the power to enter into agreements
32 regarding multiple projects, industrial or commercial, with a
33 single entity in conjunction with the execution of that plan.
34 As part of that agreement, the Authority shall specifically
35 have the power to:

1 (i) Grant the entity the right to first present
2 proposals for projects consistent with the comprehensive
3 plan;

4 (ii) Include in the agreement the recapture of the
5 expenses, fees and costs associated with predevelopment
6 costs, professional services and initial infrastructure
7 costs;

8 (iii) Include in the agreement recovery for costs
9 incurred in connection with the development, construction,
10 acquisition, or improvement of a project, even if the
11 project is eventually completed by another entity; and

12 (iv) Employ the entity as its agent to assist in the
13 management and oversight of future projects within the
14 Intermodal Facilities Development Zone.

15 Section 34. Coordinated Development. In entering
16 agreements with entities, either under a comprehensive plan as
17 set forth in Section 31, or involving an individual project
18 within an Intermodal Facilities Development Zone involving the
19 creation of a new terminal or terminal facilities, the
20 Authority shall give preferential consideration to entities
21 which are currently engaged in projects in other Intermodal
22 Facilities Development Zones for the purpose of eliminating
23 underutilized or obsolete terminals and terminal facilities.
24 Such consideration may include the altering of agreement terms
25 and conditions to reflect the coordination of projects in
26 different Zones.

27 Section 35. Revenue Bonds.

28 (a) An Authority shall have the continuing power to issue
29 revenue bonds, notes, or other evidences of indebtedness for
30 the purpose of developing, constructing, acquiring, or
31 improving projects, including those established by business
32 entities locating or expanding property within the territorial
33 jurisdiction of the Authority, for entering into venture
34 capital agreements with businesses locating or expanding

1 within the territorial jurisdiction of the Authority, for
2 acquiring and improving any property necessary and useful in
3 connection therewith, and for the purposes of the Employee
4 Ownership Assistance Act. For the purpose of evidencing the
5 obligations of an Authority to repay any money borrowed, the
6 Authority may, pursuant to resolution, from time to time issue
7 and dispose of its interest bearing revenue bonds, notes, or
8 other evidences of indebtedness and may also from time to time
9 issue and dispose of such bonds, notes, or other evidences of
10 indebtedness to refund, at maturity, at a redemption date or in
11 advance of either, any revenue bonds, notes, or other evidences
12 of indebtedness pursuant to redemption provisions or at any
13 time before maturity. All such revenue bonds, notes, or other
14 evidences of indebtedness shall be payable solely from the
15 revenues or income to be derived from loans made with respect
16 to projects, from the leasing or sale of the projects, or from
17 any other funds available to the Authority for such purposes,
18 including, when so provided by ordinance of the Authority
19 authorizing the issuance of revenue bonds or notes. The revenue
20 bonds, notes, or other evidences of indebtedness may bear such
21 date or dates, may mature at such time or times not exceeding
22 40 years from their respective dates, may bear interest at such
23 rate or rates not exceeding the maximum rate permitted by the
24 Bond Authorization Act, may be in such form, may carry such
25 registration privileges, may be executed in such manner, may be
26 payable at such place or places, may be made subject to
27 redemption in such manner and upon such terms, with or without
28 premium as is stated on the face thereof, may be authenticated
29 in such manner, and may contain such terms and covenants as may
30 be provided by an applicable resolution.

31 (b) The holder or holders of any revenue bonds, notes, or
32 other evidences of indebtedness issued by the Authority may
33 bring suits at law or proceedings in equity to compel the
34 performance and observance by any corporation or person or by
35 the Authority or any of its agents or employees of any contract
36 or covenant made with the holders of such revenue bonds, notes,

1 or other evidences of indebtedness, to compel such corporation,
2 person, the Authority, and any of its agents or employees to
3 perform any duties required to be performed for the benefit of
4 the holders of any such revenue bonds, notes, or other
5 evidences of indebtedness by the provision of the resolution
6 authorizing their issuance and to enjoin such corporation,
7 person, the Authority, and any of its agents or employees from
8 taking any action in conflict with any such contract or
9 covenant.

10 (c) If the Authority fails to pay the principal of or
11 interest on any of the revenue bonds or premium, if any, as the
12 same become due, a civil action to compel payment may be
13 instituted in the appropriate circuit court by the holder or
14 holders of the revenue bonds on which such default of payment
15 exists or by an indenture trustee acting on behalf of such
16 holders. Delivery of a summons and a copy of the complaint to
17 the Chairperson of the Board shall constitute sufficient
18 service to give the circuit court jurisdiction of the subject
19 matter of such a suit and jurisdiction over the Authority and
20 its officers named as defendants for the purpose of compelling
21 such payment. Any case, controversy, or cause of action
22 concerning the validity of this Act relates to the revenue of
23 the State of Illinois.

24 (d) Notwithstanding the form and tenor of any such revenue
25 bonds, notes, or other evidences of indebtedness and in the
26 absence of any express recital on the face of any such revenue
27 bond, note, or other evidence of indebtedness that it is
28 non-negotiable, all such revenue bonds, notes, and other
29 evidences of indebtedness shall be negotiable instruments.
30 Pending the preparation and execution of any such revenue
31 bonds, notes, or other evidences of indebtedness, temporary
32 revenue bonds, notes, or evidences of indebtedness may be
33 issued as provided by ordinance.

34 (e) To secure the payment of any or all of such revenue
35 bonds, notes, or other evidences of indebtedness, the revenues
36 to be received by the Authority from a lease agreement or loan

1 agreement shall be pledged, and, for the purpose of setting
2 forth the covenants and undertakings of the Authority in
3 connection with the issuance thereof and the issuance of any
4 additional revenue bonds, notes, or other evidences of
5 indebtedness payable from such revenues, income, or other funds
6 to be derived from projects, the Authority may execute and
7 deliver a mortgage or trust agreement. A remedy for any breach
8 or default of the terms of any such mortgage or trust agreement
9 by the Authority may be by mandamus proceedings in the
10 appropriate circuit court to compel the performance and
11 compliance therewith, but the trust agreement may prescribe by
12 whom or on whose behalf the action may be instituted.

13 (f) The revenue bonds or notes shall be secured as provided
14 in the authorizing ordinance which may, notwithstanding any
15 other provision of this Act, include in addition to any other
16 security a specific pledge or assignment of and lien on or
17 security interest in any or all revenues or money of the
18 Authority from whatever source which may by law be used for
19 debt service purposes and a specific pledge or assignment of
20 and lien on or security interest in any funds or accounts
21 established or provided for by ordinance of the Authority
22 authorizing the issuance of such revenue bonds or notes.

23 (g) The State of Illinois pledges to and agrees with the
24 holders of the revenue bonds and notes of the Authority issued
25 pursuant to this Section that the State will not limit or alter
26 the rights and powers vested in the Authority by this Act so as
27 to impair the terms of any contract made by the Authority with
28 such holders or in any way impair the rights and remedies of
29 such holders until such revenue bonds and notes, together with
30 interest thereon, with interest on any unpaid installments of
31 interest, and all costs and expenses in connection with any
32 action or proceedings by or on behalf of such holders, are
33 fully met and discharged. The Authority is authorized to
34 include these pledges and agreements of the State in any
35 contract with the holders of revenue bonds or notes issued
36 pursuant to this Section.

1 (h) The revenue bonds, notes, and other evidences of
2 indebtedness authorized by this Act are not, and shall not be
3 construed to be, "State debt" within the meaning of Section 9
4 of Article IX of the Illinois Constitution, are not secured by
5 the full faith and credit of the State, and are not required to
6 be repaid, directly or indirectly, from tax revenues.

7 Section 36. Adoption of Tax Increment Financing.

8 (a) Subsequent to the creation of an Intermodal Facilities
9 Development Zone, the Authority may both establish Special
10 Service Districts or Tax Increment Financing Districts, and, in
11 connection therewith, issue bonds in accordance with the
12 procedures and purposes set forth in the Property Tax Code and
13 Section 11-74.4-1 of the Illinois Municipal Code as if the
14 Authority were a "municipality" within the meaning of the said
15 Acts, except that no proof of blight need be shown in
16 establishing such districts within the zone.

17 (b) If (i) a redevelopment project area is, will be, or has
18 been created by a municipality under Division 74.4 of the
19 Illinois Municipal Code, (ii) the redevelopment project area
20 contains property that is located in an Intermodal Facilities
21 Development Zone, (iii) the municipality adopts an amendment to
22 the Intermodal Facilities Development Zone designating
23 ordinance pursuant to Section 23 of this Act specifically
24 concerning the abatement of taxes on property located within a
25 redevelopment project area created pursuant to Division 74.4 of
26 the Illinois Municipal Code, and (iv) the Department certifies
27 the ordinance amendment, then the property that is located in
28 both the Intermodal Facilities Development Zone and the
29 redevelopment project area shall not be eligible for the
30 abatement of taxes under Section 18-170 of the Property Tax
31 Code.

32 (c) This Section applies to all property located within
33 both a redevelopment project area adopted under Division 74.4
34 of the Illinois Municipal Code and an Intermodal Facilities
35 Development Zone even if the redevelopment project area was

1 adopted before the effective date of this Act.

2 (d) After July 1, 2005, if (i) a redevelopment project area
3 is created by a municipality under Division 74.4 of the
4 Illinois Municipal Code and (ii) the redevelopment project area
5 contains property that is located in an Intermodal Facilities
6 Development Zone, the municipality must adopt an amendment to
7 the certified Intermodal Facilities Development Zone
8 designating ordinance under Section 23 that the property that
9 is located in both the Intermodal Facilities Development Zone
10 and the redevelopment project area shall not be eligible for
11 any abatement of taxes under Section 18-170 of the Property Tax
12 Code for new improvements or the renovation or rehabilitation
13 of existing improvements.

14 Section 37. Railroad Terminal Safety. The Authority and any
15 other owner or lessee of any terminal or terminal facility,
16 including a railroad company (railroad), may operate a
17 commercially constructed electric fence (electric fence) for
18 the purpose of homeland security and the general public welfare
19 on its terminals larger than 50 acres (terminal). The Authority
20 and any municipalities, counties, townships and other local
21 units of government where the terminal operates (local
22 government) shall be exempt from liability related to the use
23 of any and all electric fences used by the owner or lessee. The
24 owner or lessee shall properly operate and maintain the
25 electric fence as certified by a qualified electrician. The
26 owner or lessee may be required to construct external fences or
27 landscaping ordered by the Authority or the local government
28 for the purpose of aesthetics. The local government may request
29 a reasonable installation fee for the installation of an
30 electric fence. If the local government establishes specific
31 codes or ordinances governing the installation or use, or both,
32 of electric fences for industrial use, without prohibiting
33 same, the provisions of this Section will be thereby
34 superseded. Unless and until such code or ordinance is
35 established the owner or lessee shall install and operate any

1 electric fence in accordance with 60335-2-76(c) IEC; 1997
2 Standards for Electric Fencing and maintain adequate notice
3 posted at the site of the electric fence.

4 Section 40. Acquisition.

5 (a) The Authority may, but need not, acquire title to any
6 project with respect to which it exercises its authority.

7 (b) The Authority shall have power to acquire by purchase,
8 lease, gift, or otherwise any property or rights therein from
9 any person, the State of Illinois, any municipal corporation,
10 any local unit of government, the government of the United
11 States, any agency or instrumentality of the United States, any
12 body politic, or any county useful for its purposes, whether
13 improved for the purposes of any prospective project or
14 unimproved. The Authority may also accept any donation of funds
15 for its purposes from any of those sources.

16 (c) The Authority shall have power to develop, construct,
17 and improve, either under its own direction or through
18 collaboration with any approved applicant, or to acquire
19 through purchase or otherwise any commercial or industrial
20 project, using for that purpose the proceeds derived from its
21 sale of bonds, notes, or other evidences of indebtedness or
22 governmental loans or grants, and to hold title in the name of
23 the Authority to those projects.

24 (d) All property owned by the Authority shall be exempt
25 from property taxes. Any property owned by the Authority and
26 leased to an entity that is not exempt shall remain exempt. The
27 leasehold interest of the lessee shall be assessed under
28 Section 9-195 of the Property Tax Code.

29 Section 41. Eminent Domain.

30 (a) Unless the designation ordinance specifically
31 eliminates this power, the Authority may take and acquire
32 possession by eminent domain of any property or interest in
33 property which the Authority is authorized to acquire under
34 this Act. The power of eminent domain may be exercised by

1 ordinance of the Authority, and shall extend to all types of
2 interests in property, both real and personal (including
3 without limitation easements for access purposes to and rights
4 of concurrent usage of existing or planned railroad
5 facilities), whether or not the property is public property or
6 is devoted to public use and whether or not the property is
7 owned or held by a railroad, except as specifically limited by
8 this Act.

9 (b) The Authority shall exercise the power of eminent
10 domain granted in this Section in the manner provided for the
11 exercise of the right of eminent domain under Article VII of
12 the Code of Civil Procedure, as now or hereafter amended,
13 excluding the authority provided in Sections 7-103 through
14 7-112 of the Code of Civil Procedure providing for immediate
15 possession in such proceedings, and except that those
16 provisions of Section 7-102 of that Code requiring prior
17 approval of the Illinois Commerce Commission in certain
18 instances shall apply to eminent domain proceedings by the
19 Authority only as to any taking or damaging by the Authority of
20 any real property of a railroad not used for public
21 transportation or of any real property of other public
22 utilities.

23 (c) The Authority may exercise the right of eminent domain
24 to acquire public property only upon the concurrence of 2/3 of
25 the then Board. In any proceeding for the taking of public
26 property by the Authority through the exercise of the power of
27 eminent domain the venue shall be in the Circuit Court of the
28 county in which the property is located. The right of eminent
29 domain may be exercised only upon a written finding adopted by
30 concurrence of 2/3 of the then Board, after public hearing and
31 a written study done for the Authority, that such taking is
32 necessary to accomplish the purposes of this Act, that no
33 feasible alternatives to such taking exist, and that the
34 advantages to the public from such taking exceed the
35 disadvantages to the public of doing so. No property dedicated
36 as a nature preserve pursuant to the "Illinois Natural Areas

1 Preservation Act", as now or hereafter amended, may be acquired
2 in eminent domain by the Authority.

3 Section 45. Designation of Depository. The Authority shall
4 biennially designate a national or State bank or banks as
5 depositories of its money. Those depositories shall be
6 designated only within the State and upon condition that bonds
7 approved as to form and surety by the Authority and at least
8 equal in amount to the maximum sum expected to be on deposit at
9 any one time shall be first given by the depositories to the
10 Authority, those bonds to be conditioned for the safekeeping
11 and prompt repayment of the deposits. When any of the funds of
12 the Authority shall be deposited by the treasurer in any such
13 depository, the treasurer and the sureties on his official bond
14 shall, to that extent, be exempt from liability for the loss of
15 any of the deposited funds by reason of the failure,
16 bankruptcy, or any other act or default of the depository.
17 However, the Authority may accept assignments of collateral by
18 any depository of its funds to secure the deposits to the same
19 extent and conditioned in the same manner as assignments of
20 collateral are permitted by law to secure deposits of the funds
21 of any city.

22 Section 50. Reports. Each Authority shall annually submit a
23 report of its finances to the Auditor General and to the Chief
24 Officer of each municipality or county creating that Authority.
25 Each Authority shall annually submit a report of its activities
26 to the Governor and General Assembly.

27 Section 55. Abolition of Authority. An Authority shall be
28 abolished upon the last to occur of the following: (1)
29 expiration of the term set forth in the designation ordinance;
30 or (2) one year after all bonds, notes, and other evidences of
31 indebtedness of the Authority have been fully paid and
32 discharged or otherwise provided for, whichever is later. Upon
33 the abolition of an Authority, all of its rights and property

1 shall pass to and be vested in the creating municipalities and
2 counties, in proportionate shares.

3 Section 60. The Retailers' Occupation Tax Act is amended by
4 adding Section 1p as follows:

5 (35 ILCS 120/1p new)

6 Sec. 1p. Building materials for Intermodal Facilities
7 Development Zones. Each retailer who makes a qualified sale of
8 building materials to be incorporated into real estate in an
9 Intermodal Facilities Development Zone established by an
10 Authority created pursuant to statute by remodeling,
11 rehabilitating or new construction, may deduct receipts from
12 such sales when calculating the tax imposed by this Act. For
13 purposes of this Section, "qualified sale" means a sale of
14 building materials that will be incorporated into real estate
15 as part of a industrial or commercial project for which a
16 Certificate of Eligibility for Sales Tax Exemption has been
17 issued by the Board of Directors of the Authority for the
18 Intermodal Facilities Development Zone in which the building
19 project is located. To document the exemption allowed under
20 this Section, the retailer must obtain from the purchaser a
21 copy of the Certificate of Eligibility for Sales Tax Exemption
22 issued by the Board of Directors into which the building
23 materials will be incorporated. The Certificate of Eligibility
24 for Sales Tax Exemption must contain:

25 (1) a statement that the commercial or industrial
26 project identified in the Certificate meets all the
27 requirements of the jurisdiction in which the project is
28 located;

29 (2) the location or address of the building project;
30 and

31 (3) the signature of the Board of Directors, or their
32 delegate, for the Intermodal Facilities Development Zone
33 in which the building project is located.

34 In addition, the retailer must obtain certification from

1 the purchaser that contains:

2 (1) a statement that the building materials are being
3 purchased for incorporation into real estate located in an
4 Intermodal Facilities Development Zone;

5 (2) the location or address of the real estate into
6 which the building materials will be incorporated;

7 (3) the name of the Intermodal Facilities Development
8 Zone in which that real estate is located;

9 (4) a description of the building materials being
10 purchased; and

11 (5) the purchaser's signature and date of purchase.

12 The provisions of this Section are exempt from Section
13 2-70.

14 Section 80. Liberal Construction. This Act being necessary
15 and desirable for and intended to secure the public convenience
16 and welfare, the provisions of this Act shall be liberally
17 construed to give effect to the provisions hereof.

18 Section 90. Severability.

19 (a) The provisions of this Act and the applications thereof
20 to any person or circumstance are declared to be severable. If
21 any Section, clause, sentence, paragraph, part or provision of
22 this Act shall be held to be invalid by any Court, it shall be
23 conclusively presumed that the remaining portions of this Act
24 would have been passed by the Legislature without such invalid
25 section, clause, sentence, paragraph, part or provision.

26 (b) If the application of any Section, clause, sentence,
27 paragraph, part or provision of this Act to any person or
28 circumstance is held invalid, such invalidity shall not affect
29 the application thereof to other persons or circumstances.

30 Section 99. Effective date. This Act takes effect July 1,
31 2005.